

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

METARAIL, INC.,)	
)	
Plaintiff,)	
)	C.A. No. 23-1116-GBW
v.)	
)	
GOOGLE LLC,)	
)	
Defendant.)	

GOOGLE LLC’S MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(6)

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant Google LLC (“Google”) respectfully moves to dismiss Count IV of Plaintiff MetaRail, Inc.’s (“MetaRail”) complaint for patent infringement with prejudice for failure to state a claim for relief.¹ Count IV alleges that Google infringes U.S. Patent No. 10,789,626 (“the ’626 Patent”). But the ’626 Patent fails to claim patent eligible subject matter pursuant to 35 U.S.C. § 101 and is therefore invalid.

The grounds for this motion are set forth in Google’s Opening Brief in support of its Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6), filed herewith.

¹ This motion extends the time for Google to answer the complaint, even though Google does not move to dismiss every cause of action. *See* Fed. R. Civ. P. 12(a)(4); *Zohar CDO 2003-1, Ltd. v. Croscill Home LLC*, C.A. No. 17-1797-JFB-SRF, 2018 WL 881758, at *11 fn. 19 (D. Del. Feb. 14, 2018); *Circuit City Stores v. Citgo Petroleum Corp.*, 1994 WL 483463, at *4 (E.D. Pa. Sept. 7, 1994); *Godlewski v. Affiliated Computer Servs., Inc.*, 210 F.R.D. 571, 572 (E.D. Va. 2002).

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11213802 / 12599.00061

Respectfully submitted,

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